

**AFFIDAVIT**

I, Mark McMurtry, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, being duly sworn on oath, hereby deposes and states as follows:

**INTRODUCTION**

1. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7) and Federal Rule of Criminal Procedure 41(a)(2)(C), as a Special Agent (SA) of the Federal Bureau of Investigation (FBI). As such, I am empowered to conduct investigations of and to make arrests for federal offenses, *see* 18 U.S.C. § 3052.

2. I have been employed as a Special Agent of the FBI for twenty-eight (28) years. I have spent the last twenty-two (22) years assigned to the FBI's Cleveland Division, Canton Resident Agency and approximately twenty (20) years as the coordinator of the FBI Safe Streets Task Force in Canton, Ohio. For the majority of my employment with the FBI, I have been assigned responsibilities to investigate Federal crimes involving narcotics, money laundering, gang activity, and general criminal matters. I have received specialized training in the techniques and technology of electronic surveillance investigations and have authored affidavits in support of Title III applications and participated in numerous Title III wiretap investigations. At all times during the investigation described in this affidavit, I have been acting in an official capacity as a Special Agent of the FBI.

3. This affidavit is offered in support of arrest warrants for REMARO RAY GRACIA, II for:

(a) one count of unlawfully obstructing, delaying, and affecting commerce, and the movement of an article and commodity by robbery and extortion, as those terms are defined in Title 18, United States Code, Sections 1951(b)(1) and (b)(2) and by means

of actual and threatened force, violence, and fear of immediate injury to Victim 1, that is by brandishing a firearm, pointing a firearm, and making threats, in violation of Title 18, United States Code, Sections 1951(a) and 2; and

(b) one count of conspiracy to commit Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951(a), by knowingly, intentionally and unlawfully agreeing and conspiring to in any way and degree unlawfully obstruct, delay and affect commerce, and the movement of an article and commodity by robbery and extortion, as those terms are defined in Title 18, United States Code Sections 1951(b)(1) and (b)(2), and by means of actual and threatened force, violence and fear of immediate injury to Victim 1, that is by brandishing a firearm a firearm, pointing a firearm and making threats, in violation of Title 18, United States Code, Section 1951(a).

4. The statements contained in this affidavit are based in part on information developed by other Special Agents of the FBI and Officers and Officers of Canton Police Department (CPD), who aided in the investigation of the robbery. Unless otherwise noted, whenever in this affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer or an investigator (who may have had either direct or hearsay knowledge of the statement) to whom your Affiant has spoken or whose report your Affiant has read and reviewed. Likewise, any information pertaining to vehicles and registrations, personal data on subjects, and record checks, has been obtained through the Law Enforcement Automated Data System (LEADS), various state driver's license motor vehicle records, online database searches or the National Crime Information Center (NCIC) computers, and various open-source databases, such as LexisNexis.

5. Since this affidavit is being submitted for the limited purpose of supporting the Criminal Complaint in this matter, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the probable cause for the issuance of the Criminal Complaint and Arrest Warrant sought.

FACTS AND CIRCUMSTANCES REGARDING PROBABLE CAUSE

7. On or about November 9, 2020, officers of the CPD responded to the report of a robbery that they later learned had occurred at a residence on Millvale Ave., NE, Canton, Ohio. This location is within the Northern District of Ohio, Eastern Division.

8. Officers made contact with Victim 1 and Victim 2 at a location in Canton other than the Millvale Ave. residence.<sup>1</sup> Victim 1 advised that a friend known as “Maro” had directed them to meet at an address on Millvale Ave., NE to hang out and smoke marijuana. Once they arrived at the residence and were seated two black males, hereafter referred to as the robbers, emerged from somewhere inside the house and placed guns to Victim 1’s and Victim 2’s heads, ordering them to the ground. The robbers took the marijuana that Victim 1 had brought, both men’s wallets, and Victim 2’s car keys. The robbers then departed in Victim 2’s car. Victim 1 advised that he thought it was suspicious that “Maro” had organized the meeting in which he and Victim 2 were robbed. CPD officers obtained information regarding Victim 2’s vehicle.

9. After the robbery, on December 7, 2020, investigators learned that Robber 1 made statements about the November 9, 2020 robbery.<sup>2</sup> Speaking to another person, Robber 1 stated,

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<sup>1</sup> The identity of Victims 1 and 2 are known to law enforcement but those persons are referred to herein as Victim 1 and Victim 2.

<sup>2</sup> The identity of Robber 1 is known to law enforcement, but that person is referred to herein as Robber 1.

“Remember I told you my n\*\*\*\* was fucked up and I had looked out for him and he fucked his hand up again. So he let us hit his plug.” Robber 1 continued, “He had let us end up hit his plug, cause he was fucked up and I told him, bro, I can’t give you nothing else bro. I said you going to take me under if I keep giving you something. You ain’t reproducing nothing. So, he like fuck it. We can hit my plug. So we ended up hitting his plug.” Based on my training and experience and the investigation in this matter, I believe that in the foregoing statements, Robber 1 indicated that GRACIA had made poor decisions regarding his narcotics distribution operation (he was fucked up). Robber 1 attempted to assist GRACIA with his narcotics sales (I can’t give you nothing else) and (you are going to take me under) so GRACIA arranged for Robber 1 to rob his marijuana supplier (plug). During the foregoing statement, Robber 1 also indicated that he used a firearm during the robbery and that 10 pounds of marijuana were obtained during the robbery.

10. On January 7, 2021, law enforcement interviewed a female, Witness 1, about the robbery that had occurred at her residence, at the aforementioned Millvale Ave., NE in Canton, Ohio on November 9, 2020.<sup>3</sup> Witness 1 advised that she was not at home at the time of the robbery. Witness 1 was asked about Robber 1, and she denied knowing him. (I know that Witness 1 recently had a baby, whose father is believed to be Robber 1.) Witness 1 advised that her friend, Robber 2, has a key and access to her residence.<sup>4</sup> Witness 1 also advised that Robber 2 has a friend that goes by “Maro.”

11. On July 13, 2022, GRACIA was arrested by law enforcement on an outstanding warrant unrelated to this matter. I know “Maro” to be a nickname for GRACIA. Following the

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<sup>3</sup> The identity of Witness 1 is known to law enforcement but that person is referred to herein as Witness 1.

<sup>4</sup> The identity of Robber 2 is known to law enforcement but that person is referred to herein as Robber 2.

arrest and advice of rights, law enforcement interviewed GRACIA regarding the aforementioned November 9, 2020 robbery. GRACIA advised that Victim 1 was a large-scale marijuana distributor, who sold to GRACIA. GRACIA and his associate, Robber 1, had discussed robbing Victim 1 on several occasions, due to their belief that Victim 1 was an easy target. Robber 1 asked numerous times for Victim 1 to be set up for the robbery. GRACIA finally relented to Robber 1's repeated requests to arrange the robbery. GRACIA placed an order for three (3) pounds of marijuana to be delivered to Robber 1's girlfriend's (Witness 1's) house at 3116 Millvale Ave., NE, Canton, Ohio. GRACIA met Victim 1 outside the residence and they walked into the house together. After entering the residence, Robber 1 appeared with a firearm and took Victim 1's marijuana, phone, and belongings. Robber 1 ordered Victim 1 and GRACIA to the ground. Another gunman, Robber 2, made contact with Victim 2<sup>5</sup> and ordered him into the house and onto the floor. Robber 1 pistol-whipped Victim 1, demanding additional marijuana. After 5-6 minutes, Robber 1 and Robber 2 left with the marijuana, phones, and car keys. The two took Victim 2's car and left the area.

12. On April 14, 2023, Victim 2 was interviewed regarding the robbery on November 9, 2020. Victim 2 was shown the area of 3116 Millvale Ave., NE, Canton, Ohio on Google Earth. Victim 2 positively identified 3116 Millvale Ave., NE, Canton, Ohio as the location where he and Victim 1 were robbed. Victim 2 advised that during the robbery there was a third person that was ordered to the ground and whom at the time Victim 2 believed to be a victim. Victim 2 advised that he does not know this individual. Victim 2 was shown a photograph of GRACIA, whom he positively identified as the other person present during the robbery of himself and Victim 1.

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<sup>5</sup> In his statement to law enforcement, GRACIA used the wrong last name for Victim 2.

13. I know that marijuana is a controlled substance under the Controlled Substances Act and that it is illegal to distribute. I know that pound-quantities of marijuana are an amount that would be distributed wholesale and that it is typically not purchased exclusively for personal use.

14. I am aware that the market for illegal drugs is commerce over which the United States has jurisdiction for purposes of Hobbs Act robbery.

15. Based on the foregoing facts, your Affiant respectfully submits that probable cause exists to believe that on or about November 9, 2020, REMARO GRACIA obstructed, delayed or affected interstate commerce by arranging the robbery of Victim 1 and Victim 2 which resulted in the taking of Victim 2's 2015 Ford Fiesta at 3116 Millvale Ave, NE, Canton, Ohio located within the Northern District of Ohio, Eastern Division, in violation of Title 18, United States Code, Sections 1951(a) and 2, and conspired to do the same, in violation of Title 18, United States Code, Section 1951(a).



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Mark McMurtry  
Special Agent  
Federal Bureau of Investigation  
Cleveland, Ohio

Subscribed and sworn to before me this 15th day of June, 2023.



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AMANDA M. KNAPP  
United States Magistrate Judge